

Tzhone, Stephen

From: Curt Grisham [grish@me.com]
Sent: Wednesday, June 12, 2013 5:56 PM
To: Moran, Gloria-Small
Cc: Sanchez, Carlos; Andrews, Lawrence; Tzhone, Stephen
Subject: Re: questions on access: Fw: Arkwood superfund site - REPLY

Thank you, Ms. Moran; that is clear.
Curt Grisham

On Jun 12, 2013, at 15:51, "Moran, Gloria-Small" <Moran.Gloria-Small@epa.gov> wrote:

Mr. Grisham:

Visitor's Log – Yes, all visitors to the site must sign in on the visitor's log maintained at the Arkwood site. The EPA requires that a visitor log be maintained at Superfund sites. The minimum requirement of the EPA is a legible signature of each visitor on the visitor log. Because this log was not developed by EPA and is "not owned" by EPA, any additional entries requested on the visitor's log are within the discretion of McKesson.

Safety Briefing – Yes, all visitors must listen to a safety briefing before being allowed access to the site. This safety briefing was developed by McKesson. McKesson has primary knowledge concerning the implemented remedial measures at the site as well as the site hazards.

Site Escort – Yes, all visitors must be escorted at all times on the property. Because McKesson has primary knowledge concerning the site, and is responsible for site security, all visitors to the site will be escorted by a McKesson representative.

Please let me know if you have any additional questions.

Gloria Moran

Assistant Regional Counsel (6RC-S)

Superfund Branch

U.S. Environmental Protection Agency

1445 Ross Avenue

Dallas, Texas 75202

214-665-3193 (phone)

214-665-6460 (fax)

moran.gloria-small@epa.gov

From: Curt Grisham [<mailto:grish@me.com>]
Sent: Tuesday, June 11, 2013 5:49 PM

To: Moran, Gloria-Small
Cc: Sanchez, Carlos; Andrews, Lawrence; Tzhone, Stephen
Subject: Re: questions on access: Fw: Arkwood superfund site

Thank you Ms. Moran. So, if I understand correctly, the three minimum requirements apply to any visitors to the site, including my father and his guests, and are:

- 1) all visitors must sign in on a visitor log (signature only? address required? ID required to be shown to McKesson security or anyone else? Is the log and its form owned & determined by EPA?);
- 2) all visitors must listen to a safety briefing (written, approved & provided by EPA?);
- 3) all visitors must be escorted at all times while onsite (presumably by McKesson security staffperson who opens the gate.)

It is my further understanding that, if McKesson or its representatives demands that visitors such as my father and his guests sign releases or other documents, either at the gate or anytime prior to the appointment time, or if McKesson or its representatives demand information from visitors other than that covered in the three requirements above, all visitors may refuse to sign any such documents or to provide such additional information *without* forfeiting the right and privilege of visiting the site anyway, so long as the three minimum conditions reiterated above continue to be met by all visitors to the site, and McKesson or its representatives cannot prevent those visitors from going onsite so long as the three conditions are met.

Is all my understanding above correct so far as EPA is concerned?

Thank you again.

CC Grisham Jr

On Jun 11, 2013, at 14:55, "Moran, Gloria-Small" <Moran.Gloria-Small@epa.gov> wrote:

Hello Mr. Grisham:

Stephen Tzhone forwarded your email of this morning to me. Your email requests information concerning the protocol for access by your father to the Arkwood site. Yes, your father is allowed access to the Arkwood site for site visits.

For your convenience, I am re-sending my letters dated May 8, 2012 and August 21, 2012, to your father, Mr. C.C. Grisham, courtesy copies of both which you received initially as well. My May 8, 2012 letter concerns minimum requirements for access that are applicable to PRP-lead sites. My August 21, 2012 letter is pertinent here only as it pertains to access by your father to the site. (See last full paragraph of the August 21st letter).

I believe that the May 8th and August 21st letters address each of your questions below. However, if you or your father have any additional questions, or want clarification concerning any issue relating to access to the Arkwood site, please do not hesitate to contact me by phone or email.

Thank you,

Gloria Moran
Assistant Regional Counsel (6RC-S)
Superfund Branch
U.S. Environmental Protection Agency

1445 Ross Avenue
Dallas, Texas 75202
214-665-3193 (phone)
214-665-6460 (fax)
moran.gloria-small@epa.gov

-----Original Message-----

From: CC Grisham [<mailto:grish@me.com>]
Sent: Tuesday, June 11, 2013 10:38 AM
To: Tzhone, Stephen
Cc: CC Grisham
Subject: Arkwood superfund site

Dear Mr. Tzhone,

Is my father allowed to resume making Arkwood site visits (with two-day notice to Jean Mescher as previously agreed), including the option of taking guests on such visits?

If so, please give me the EPA-required "safety briefing" language to be read to site visitors before entering.

Also, please inform me of EPA's position regarding any requirement that visitors or guests sign McKesson's documents prior to gaining entry to the site.

My position is that my father's guests should not be required to sign anything prepared by McKesson as a prerequisite for being allowed onsite by McKesson's security personnel for a scheduled site visit.

Thank you.

Sincerely,

Charles Curtis Grisham, Jr.
<Ltr to Mr. Bud Grisham 5.8.12.pdf>
<Letter to Bud Grisham Aug.21.12.pdf>